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In re Application of
ROY, Arun K. et al.
Application No.: 10/009,420
PCT No.: PCT/US00/15243
Int. Filing Date: 02 June 2000
Priority Date: 04 June 1999

Attorney Docket No.: 4003.002300

For: ESTROGEN RECEPTOR SITE-SPECIFIC
RIBOZYMES AND USES THEREOF FOR
ESTROGEN DEPENDENT TUMORS

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicants' submission of 08 November 2002. It has been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 02 June 2000, applicants filed international application PCT/US00/15243. A demand for international preliminary examination was filed 04 January 2001, prior to the expiration of nineteen months from the priority date. The deadline for entry into the national stage in the United States was thirty months from the priority date, or 04 December 2001.

On 08 March 2002, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b), a sequence listing and a computer readable format were required.

On 06 May 2002, applicants submitted, "Response to Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US) Mailed March 08, 2002."

On 01 August 2002, applicants submitted a petition accompanied by a postcard receipt that lists a declaration and a disk.

On 08 November 2002, applicants submitted a replacement computer readable format.

On 15 January 2003, the Office mailed Decision On Petition Under 37 CFR 1.181, prior to 08 November 2002 submission being matched with the application.

DISCUSSION

MPEP at section 503 states, in part:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

The postcard receipt lists, *inter alia*, declarations and disk. The postcard receipt is date stamped and indicated the application number.

The postcard receipt is adequate evidence that the declarations and disk were received on 06 May 2002. Applicants have now provided an additional copy of the computer readable format.

Additionally, it is noted that the declaration submitted consists of one page one, three page twos and one page three. It appears that separately executed copies of the declaration have been pieced together to create a composite declaration. While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy as executed by the inventor must be furnished to the Office. As such, the declaration does not comply with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is GRANTED.

Decision On Petition Under 37 CFR 1.181 mailed on 15 January 2003 is modified to reflect receipt of the computer readable format. The time set in the 15 January 2003 decision to furnish a declaration in compliance with 37 CFR 1.497(a)-(b) continues to run from the mailing of that decision, namely 15 January 2003.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231; with the contents of this letter marked to the attention of the Office of PCT Legal Administration.



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